HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO. 8659 OF 2007

DATE: 24.04.2006

BETWEEN

1. Bhogavalli Sri Rama Rao, S/o Venkateswara Rao, West Godavari District and four others

....Petitioners

AND

1. The State of Andhra Pradesh rep. By its Principal Secretary to Government Irrigation Department and five others.

.... Respondents

HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO. 8659 OF 2007

ORAL ORDER:

The petitioners are residents of different villages of Nallajerla Mandal, West Godavari District. The Government of Andhra Pradesh had taken up construction of the Tadipudi Lift Irrigation Main Canal to draw water from river Godavari and provide irrigation water to the lands in the neighbourhood. The irrigation canal of the project is planned first plan to run up to distance of 82 K.Ms. The canal crosses a stream known as Yerrakaluva, which in turn passes through the villages of the petitioners.

An aqueduct of the length of 250 meters, is planned over the Yerrakaluva. The grievance of the petitioners is that the said aqueduct is not sufficient to allow the flow of water through Yerrakaluva, particularly when the villages are inundated during rainy season. It is also stated that the banking of the canal that is provided for the aqueduct would prevent the flow of water, down stream and that effect of inundation would become grave on account of this. Petitioners claim to have made a representation to the respondents 1 and 2 pointing out their grievance and urge that no action has been taken thereon. They seek appropriate directions in this regard.

Heard the leaned counsel appearing for the petitioner and the learned Government Pleader for Irrigation.

The work on the project is being executed according to a plan, approved by the second respondent. It is represented that though more than two or three alternatives were considered, the one which is beneficial to the contractors; but is detrimental to the

interest of the petitioners is approved. This Court cannot sit as an appellate authority over the viability or otherwise of any plan or scheme, according to which the project is being constructed. The petitioners have already pointed out their grievance through a representation. Since what is at stake is the safety and the properties of the petitioners, the second respondent is under obligation to consider the same. Howsoever beneficial the project may be for the future ayakatdars, it should not result in any loss of life or property of the other citizens.

Hence, the Writ Petition is disposed of directing the second respondent to consider the representation made by the petitioner on its own merits and take necessary action within a period of six weeks from the date of receipt of a copy of this order. It shall be open to the petitioners to enclose a copy of the representation with the copy of this order and present before the second respondent, to avoid delay if any.

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L. NARASIMHA REDDY, J

Date: 24.04.2007
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